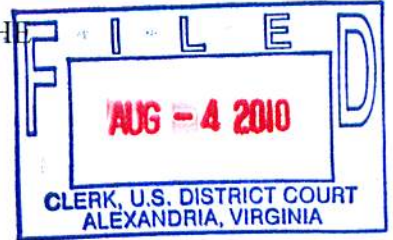


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA)
)
 v.) CRIMINAL NO. 1:10mj479
)
 THOMAS ANDREW TALLARICO,)
)
 Defendant.)

STATEMENT OF FACTS

The parties stipulate that the allegations in the Criminal Information and the following facts are true and correct, and that had the matter gone to trial the United States would have proven them beyond a reasonable doubt:

1. Thomas Andrew Tallarico is a professional composer and musician. He is the founder of Mystical Stone Entertainment, LLC, a company whose purpose is to operate his world touring musical production entitled Video Games Live. Video Games Live is a concert event that features music from video games performed by orchestras and choirs.

2. On October 9, 2009, Thomas Andrew Tallarico arrived at Washington Dulles International Airport upon his return to the United States from putting on a Video Games Live concert in Brazil. Upon his arrival, he knew that he had in his possession approximately \$103,904 in cash that he had received in Brazil, and he knew that he was obligated to report to the customs authorities that he was bringing in to the country more than \$10,000 in cash. Although he knew that he was required to declare that he was carrying over \$100,000 in cash into the country, he did not do so.

3. Upon his entry into the country on October 9, 2009, Tallarico knew that his brother and business associate filed a Customs Declaration on their common behalf, in which it was

denied that they were bringing into the country more than \$10,000 in cash. Tallarico knew that this Customs Declaration was false.

4. After arriving at Washington Dulles International Airport on October 9, 2009, Tallarico cleared primary and secondary inspection by the Bureau of Customs and Border Protection ("CBP"). In order to reach his connecting flight to Philadelphia, he continued on to the Transportation Security Administration "(TSA") screening check point located approximately 100 yards down the hall. At the TSA checkpoint, screeners found more than \$100,000 in cash in his bag, at which point Tallarico was escorted back to CBP for further investigation.

5. Once back with CBP, Tallarico was questioned about the money found by the TSA screeners. Tallarico said that he was paid about \$100,000 in cash in Brazil before leaving for the United States. He said that the reason that he carried the money to the United States in cash was because the banks were on strike in Brazil the day he got the money for putting on a concert. He stated that he did not declare the money on a Customs Declaration because he did not carry the money across the border himself. He further stated that he had distributed the money to the members of his band on the flight beforehand in amounts less than \$10,000 so that he would not have to declare the cash upon his arrival in the US - - and then collected the cash back from them after he passed through Customs.

6. Although banks in Brazil were on strike when Tallarico departed Brazil for the United States, he neither distributed the money to the members of his band on the flight beforehand in amounts less than \$10,000, nor collected the cash back from them after they passed through Customs. Instead, he carried the money into the United States in his own bags, and he made up the story about distributing the cash to members of his band and then collecting it back from

them in an attempt to avoid responsibility for failing to declare the money on his entry into the United States.

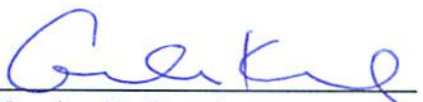
7. On November 19, 2009, while Tallarico was traveling overseas, he returned a telephone call to an ICE investigator, and told him that, on October 9, 2009, he had possessed the money himself the whole time and had not, in fact, distributed it to the members of his band on the flight beforehand in amounts less than \$10,000, nor collected it back from them after they passed through Customs. From November 19th forward, Tallarico cooperated fully with investigators.

The acts taken by the defendant, Thomas Andrew Tallarico, in furtherance of the offense charged in this case, including the acts described above, were done knowingly and not by accident or mistake.

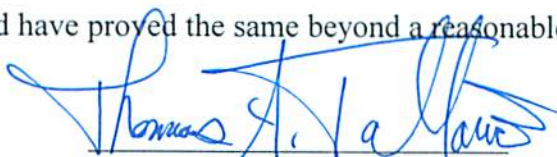
Respectfully submitted,

Neil H. MacBride
United States Attorney

By:


Gordon D. Kromberg
Assistant United States Attorney

After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant, Thomas Andrew Tallarico, and the United States, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.


Thomas Andrew Tallarico

I am Thomas Andrew Tallarico's attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.

A handwritten signature in blue ink, appearing to read 'SGW', followed by a horizontal line.

Samuel G. Williamson
Attorney for Thomas Andrew Tallarico

U. S. DEPARTMENT OF JUSTICE
Statement of Special Assessment Account

This statement reflects your special assessment only. There may be other penalties imposed at sentencing.

ACCOUNT INFORMATION	
CRIM. ACTION NO.:	
DEFENDANT'S NAME:	Thomas A. Tallarico
PAY THIS AMOUNT:	\$25

INSTRUCTIONS:

1. **MAKE CHECK OR MONEY ORDER PAYABLE TO:**
CLERK, U.S. DISTRICT COURT
2. **PAYMENT MUST REACH THE CLERK'S OFFICE BEFORE YOUR SENTENCING DATE**
3. **PAYMENT SHOULD BE SENT TO:**

	In person (9 AM to 4 PM)	By mail:
Alexandria cases:	Clerk, U.S. District Court 401 Courthouse Square Alexandria, VA 22314	
Richmond cases:	Clerk, U.S. District Court 701 East Broad Street, Suite 3000 Richmond, VA 23219	
Newport News cases:	Clerk, U.S. District Court 2400 West Ave, Ste 100 Newport News, VA 23607	
Norfolk cases:	Clerk, U.S. District Court 600 Granby Street Norfolk, VA 23510	

4. **INCLUDE DEFENDANT'S NAME ON CHECK OR MONEY ORDER**
5. **ENCLOSE THIS COUPON TO INSURE PROPER and PROMPT APPLICATION OF PAYMENT**